

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

M² CONSULTING, INC.,

Plaintiff,

V.

MRO SOFTWARE, INC.,

Defendant.

Civil Action No. 03-12589-GAO

PLAINTIFF M2 CONSULTING, INC.'S MOTION TO MODIFY SCHEDULING ORDER
AND EXTEND DISCOVERY DEADLINE

Plaintiff M2 Consulting, Inc. (“M2”), pursuant to local rule 16.1(g) and 7.1, that the Court modify the scheduling order in this matter as follows:

- (i) Change the existing November 30, 2005 deadline for the completion of fact discovery to January 31, 2006;
- (ii) Change the deadline for M2 expert report to February 28, 2006;
- (iii) Modify the deadline for MRO's expert report to March 30, 2006; and
- (iv) Change the deadline for completion of all expert witness depositions to April 30, 2006.

As grounds for this motion, M2 states as follows:

1. Fact discovery in this matter is currently scheduled to conclude on November 30, 2005.

2. The cases has evolve significantly since the Court's most recent scheduling order was entered. M2 Consulting has amended its Complaint and has sought leave to file a supplemental complaint.
3. The parties have worked diligently to complete fact discovery, and have conducted multiple depositions during October and November.
4. MRO has requested, and M2 has agreed, that the depositions of several of MRO's personnel, including Mssrs. Doyle, Williams and Drapeau, will be conducted during December, 2005. In addition, the parties have agreed that two Rule 30(b)(6) depositions of M2 personnel will take place in December 2005.
5. In addition, although MRO has stated its intention to depose representatives of Grub & Ellis, and Indus International, those depositions have not yet been noticed or taken.
6. M2 anticipates that additional discovery may be required after the depositions of MRO personnel are taken during December, and it is likely that additional nonparty discovery may be required following the depositions of Grub & Ellis and Indus International.

Accordingly, M2 requests that the Court extend the deadline for the conclusion of fact discovery up to and including January 31, 2006 and modify the other scheduling order deadlines as necessary.

M2 Consulting, Inc.
By its Attorneys
Fee, Rosse & Lanz, P.C.

/s/ Mark S. Resnick
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Dated: November 30, 2005

LOCAL RULE 7.1(A)(2) CERTIFICATE

Pursuant to Local Rule 7.1(A)(2), the undersigned counsel certifies that he attempted to confer with Defendant's counsel in a good faith effort to resolve the issue presented in this motion in a telephone call with counsel for Defendant on or about November 23, 2005.

/s/ Mark S. Resnick

CERTIFICATE OF SERVICE

I, Michael C. Fee, hereby certify that a true copy of the foregoing document was served upon all counsel of record, by facsimile and first class mail directed to Lee T. Gesmer, Esq., Lucash, Gesmer & Updegrove, LLP, 40 Broad Street, Boston, MA 02109 this 30th day of November, 2005.

/s/ Mark S. Resnick